



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kathleen Nylund Jackson      Examiner: Benjamin Layno  
Serial No. 10/823,387      Group Art Unit: 3711  
Filed: April 13, 2004      Docket No. 312.007US1  
Title: KEEP 'EM COMING CARD GAME

**COMMUNICATION RE: ISSUE FEE TRANSMITTAL**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the "Notice of Allowance and Issue Fee Due", dated September 19, 2006, (see enclosed copy), we submit the signed Issue Fee Transmittal along with authorization to withdraw \$700.00 from Deposit Account No. 50-1391 for the issue fee, and \$300.00 for the publication fee.

Applicant assumes the application is now in proper order and in condition for issuance.

Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted,

KATHLEEN NYLUND JACKSON

By Her Representatives,

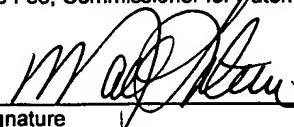
MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, Minnesota 55435  
(952) 832-9090

Date: 14 December 2006

By:   
Mark A. Litman  
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first-class mail, with sufficient postage, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 14 December 2006.

Mark A. Litman  
Name

  
Signature



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- Form PTOL-85B (1pg), plus one copy
- Communication Re: Issue Fee Transmittal, with Authorization for Fee
- Copy of Notice of Allowance and Issue Fee Due,
- Notice of Allowability and Examiner's Amendment (6 pages)
- Examiner-Initiated Interview Summary
- Determination of Patent Term Adjustment
- Transmittal Sheet
- Return postcard

**Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.**

MARK A. LITMAN & ASSOCIATES, P.A.

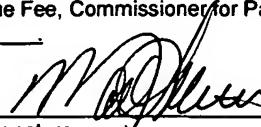
York Business Center, Suite 205, 3209 W. 76<sup>th</sup> St.  
Edina, MN 55435 (952-832-9090)

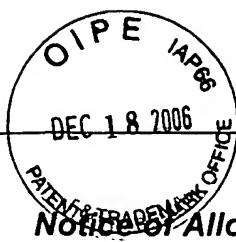
By: 

Atty: Mark A. Litman  
Reg. No. 26,390

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Mark A. Litman  
Name

  
Signature



NOTICE OF Allowability	Application No.	Applicant(s)
	10/823,387	JACKSON, KATHLEEN NYLUND
	Examiner Benjamin H. Layno	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 2/17/06.
2.  The allowed claim(s) is/are 1,3-12,14-26 and 28-32.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 09/01/06.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mark Litman on 09/01/06.

The application has been amended as follows:

Claims 13 and 27 have been canceled.

In claim 6, line 1 , "2" has been changed –1--.

In claim 8, line 1 , "2" has been changed –1--.

In claim 10, line 1 , "2" has been changed –1--.

In claim 17, line 1 , "2" has been changed –1--.

In claim 19, line 1 , "2" has been changed –1--.

In claim 24, line 1 , "2" has been changed –1--.

In claim 26, line 1 , "2" has been changed –1--.

3. The abstract is too long. The abstract must be within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The abstract has been amended as follows:

In the abstract, lines 3-5, the recitation "The game comprises at least one player (up to as many as a table can hold, or even on-line with large number of players) placing a wager on the game." has been deleted.

In the abstract, lines 6-7, the recitation "with a rank from a set of cards to form an at least one player hand and a dealer hand" has been deleted.

In the abstract, lines 7-9, the recitation "attempting to receive a first hit card having a specific relationship in rank to the single card in the at least one player hand" has been deleted.

In the abstract, line 11, the recitation "according to the rules of play of the wagering game" has been deleted.

In the abstract, lines 12-13, the recitation ", attempting to receive another hit card having a specific relationship in rank to the first hit card" has been deleted.

In the abstract, lines 14-16, the recitation "according to the rules of play of the wagering game (e.g. which may be a maximum or six or seven total cards or 5 or 6 hits in various formats of play)" has been deleted.

In the abstract, line 16, the recitation "the at least one player's hand" has been deleted.

In the abstract, lines 17-18, the recitation "attempting to receive a first hit card having a specific relationship in rank to the single card in the dealer hand" has been deleted.

In the abstract, line 19, the recitation "according to the rules of play of the wagering game" has been deleted.

In the abstract, lines 20-21, the recitation "(e.g., which may, for example, be up to six total cards or up to seven cards total)" has been deleted.

In the abstract, line 23, the recitation "The wager is then resolved in the game." has been deleted.

4. The title of the invention is not descriptive.

The original title "Keep-em Coming Card Game" has been deleted and the following new title, --A Wagering Card Game—has been entered.

***Reasons For Allowance***

5. The following is an examiner's statement of reasons for allowance: None of the cited references alone or in combination teach the claimed "the at least one player taking at least one mandatory additional card attempting to receive a first additional card having a specific relationship in rank to the single card in the at least one player hand, the specific relationship being selected from the group consisting of cards being sequentially higher in rank and sequentially lower in rank", "when the player has elected to take no more additional cards or has taken a maximum number of additional cards allowed, attempting again to receive successive additional cards having the specific relationship to a previous additional card, but has not taken a card that busts the at least one player's hand by not having the specific relationship to the previous additional card, the dealer takes at least one mandatory additional cards attempting again to receive successive additional cards having the specific relationship to the previous additional

card, until the dealer has taken a maximum number of additional cards allowed, or until the dealer has received a total number of cards that exceeds the total number of cards in all players' hands in the game".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/823,387	JACKSON, KATHLEEN NYLUND
	Examiner Benjamin H. Layno	Art Unit 3711

**All Participants:**

(1) Benjamin H. Layno.

(2) Mark Litman.

Date of Interview: 1 September 2006

**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

Exhibit Shown or Demonstrated:  Yes  No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

6, 8, 10, 17, 19, 24 and 26

Prior art documents discussed:

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*The Examiner indicated that the claims are allowable, however several claims depended upon canceled claim 2. The Applicant's representative agreed to a proposed amendment correcting the dependency of these claims.*

**Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

